

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

JOINT APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Call to Order: By **CHAIRMAN CHRISTINE KAUFMANN**, on January 27,
2005 at 8:10 A.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Christine Kaufmann, Chairman (D)
Sen. Dan Weinberg, Vice Chairman (D)
Sen. John Cobb (R)
Rep. Joey Jayne (D)
Sen. Greg Lind (D)
Rep. Penny Morgan (R)

Members Excused: Rep. Walter McNutt (R)

Members Absent: None.

Staff Present: Pat Gervais, Legislative Branch
Laura Good, Committee Secretary
Lois Steinbeck, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

CHAIR KAUFMANN called the meeting to order and introduced Public testimony for the Health Resources Division (HRD).

REP. GAIL GUTSCHE, HD 99, MISSOULA, vouched for Medicaid's breast and cervical cancer care program, which the legislature elected to authorize during the previous session.

Ms. Judy Knoll, participant in Medicaid's breast and cervical cancer care program, received her first chemotherapy treatment this past Monday. She expressed that because of thyroid problems and a recent back surgery, she has been unable to secure health insurance. She offered her gratitude and thanks to the committee for this Medicaid program.

CHAIR KAUFMANN requested Public testimony on the Childrens' System of Care.

Ms. Janie McCall, President, Montana Childrens' Initiative Provider Association (MCI), asked the committee to authorize rate increases for Childrens' Mental Health providers and support HB 183. She also provided members with a packet of information on Childrens' Mental Health costs and reimbursement rates.

EXHIBIT(jhh21a01)

REP. SCOTT MENDENHALL, HD 77, CLANCY, reiterated Ms. McCall's request that the committee authorize rate increases for Childrens' Mental Health providers.

Ms. AmberMarie MarlaGrace Berglund, a young Helena resident, recounted for the committee her experiences in the foster care system and as an adopted child.

Mrs. Christine Lambert, therapeutic foster parent, reported that state and federally funded Medicaid subsidies have made it possible for her foster children to receive needed in-patient and home-based therapeutic mental health care, and thus allowed she and her husband to adopt the foster children they loved. She requested increases in adoptive and Medicaid subsidies.

Rev. F. Wright Vernon, Pastor; Board member, Intermountain Childrens' Home, described the joy that children of the Intermountain Childrens' Home have brought to his congregation. He emphasized the importance of the state programs that provide specialized and necessary mental health care for these children, and requested adequate funding for organizations like Intermountain Childrens' Home.

{Tape: 1; Side: B}

Ms. Becky Berglund, adoptive mother of Ms. Amber Berglund, expressed the importance of and her thanks for competent psychiatrists, therapists, trained respite providers, family aides, and ongoing training regarding parenting of disturbed children, all of which have been made available to her family through state-funded programs.

Ms. Anne M. Tappe Scarff, permanent guardian of two boys, noted her Childrens' excellent care experiences at the Intermountain Childrens' Services day treatment program. She requested maintenance of and increases in funding for supportive services offered to therapeutic foster care parents. She also expressed her frustration with state and federal laws that disallow her child from receiving certain specialized supports until he hurts someone.

Ms. Cindy Dolan, Founder, Children Coalition and Agape Youth Investment Center, provides care to homeless teenagers who have aged out of or been otherwise cut-off from state programs and services. She encouraged increased access to therapeutic counseling and other services.

Mr. Miguel Gardipe, Agape Center resident, recounted his experiences in foster care from age 18 months to 18 years. He has recently aged out of services and struggles to provide for himself.

Jay Alan Langford, Agape Center resident, noted his time at Shodair and in AWARE group homes. Until two weeks ago, he was living on the street. He expressed the desperation of young, directionless men like himself who are cut off from their families.

Ms. Nancy Marks, rancher and therapeutic foster parent from Townsend, expressed her thanks for the full range of therapeutic services available to her children, her husband and herself. She urged funding and continuation of these programs, and submitted written testimony.

EXHIBIT (jhh21a02)

Ms. Melanie Martin-Dent, biological parent of two Seriously Emotionally Disturbed (SED) children, stated that the demands and challenges of raising SED kids are as intense as those faced by parents of Developmentally Disabled (DD) children. She discussed policy and program benefits and issues involved in inter-agency and community supported implementation of a system of Childrens' mental health services. She also noted ideas for Substance Abuse and Mental Health Services Administration (SAMHSA) grant implementation.

EXHIBIT(jhh21a03)

{Tape: 2; Side: A}

Ms. Dent went on to express the benefits of Division field staff membership in Kid's Management Authority (KMA) groups and touched on issues of CHIP expansion and restoration of MHSP benefits.

Mr. Shawn Byrne, Director of Case Management, Yellowstone Boys and Girls Camp, discussed his experiences as a case manager of SED youth in the Yellowstone region, as well as his work with the Childrens' Mental health Bureau and the KMA, and the importance of SB 94. He submitted case vignettes in written testimony.

EXHIBIT(jhh21a04)

Mr. Mike Kalous, former resident and current counselor at Intermountain Childrens' Home, remarked on the importance of transformative relational and therapeutic psychiatric care for abused children. He urged increased funding in order to better meet the needs of the growing number of SED and abused children.

Ms. Stephanie Kassner, former resident and current fiscal division staff member at Missoula Youth Homes, described her experiences at the Talbot Center. She noted that personal skills she gained at the Talbot Center helped her to finish school, secure full-time employment and prepare to parent her younger brother. She reminded committee members that there are many more children and young adults in Montana like her.

Mr. Gary Dorcheus, therapeutic foster parent, thanked the committee for parent education and other supports that have helped he and his wife support their foster daughter's successful growth.

Ms. Pam Ponich-Hunthausen, Florence Crittenden Home, discussed care, staff retention and license upkeep challenges posed by limited funding.

{Tape: 2; Side: B}

Ms. Barbara Burton, Development Director, Florence Crittenden Home, elaborated on the organization's funding challenges. She also noted that she is the mother of a son with Asperger's Syndrome and thanked the committee for any increased funding they might secure for this population.

Ms. Ashley Rico, Florence Crittenden Home member, stated that she chose to participate in the Florence Crittenden Home because she wanted to give her son a better childhood than the one she had.

Ms. Clarissa Sanchez, a 17-year-old Florence Crittenden Home member, described her childhood and adolescence in foster care. At 15 years of age, she entered Florence Crittenden. She reported to the committee the impressive academic and extra-curricular achievements made possible because of the home's supportive environment; and she talked about her career aspirations.

Ms. Judy Merickel, Director of Volunteers and Vista Volunteer, Florence Crittenden Home, discussed the roles fulfilled by the Florence Crittenden Home's more than 100 volunteers. She requested funding increases for providers so that groups like the Florence Crittenden Home can afford to hire volunteer coordinators and best utilize their volunteer bases.

U.S. SENATOR MAX BAUCUS, supported redistribution of \$1.1 billion unspent CHIP funds. Addressing the topic of Medicaid, he discussed the Federal Deficit and surmised that the Bush Administration would propose a Medicaid cut. **SENATOR BAUCUS** stated that Congress would not authorize such a cut.

CHAIR KAUFAMANN thanked **SENATOR BAUCUS** for speaking and invited him to sit on the committee when he is available.

Ms. Bonnie Havens, therapeutic foster care parent caring for her cousin's four children, stated that adequate funding for therapeutic services and group homes, and lower workload for case managers would alleviate future funding needs for welfare, food stamps, prison system, alcohol, and drug rehabilitation programs.

Ms. Twila Costigan, social worker, foster parent, representative of the Montana State Foster and Adoptive Parent Association, impressed upon the committee the need for transition services for foster children moving into adulthood.

{Tape: 3; Side: A}

Mr. Frank Cannon, General Manager, Van's Grocery Stores, and Board President, Intermountain Childrens' Home, discussed Childrens' mental health providers' financial situation from the perspective of a business person and requested provider rate increases.

Mr. Dirk Williams, Vice-President, Peak Investment Services, and Board Member, Missoula Youth Homes, urged support for proposed Childrens' Mental Health provider rate increases.

Ms. Mignon Waterman, community activist, urged support for funding dedicated to field staff needs and state SAMSHA wraparound mental health services. She also voiced support for transitional services and the Preferred Drug List (PDL).

Ms. Anita Roessman, Montana Advocacy Program, commended the department for its work in developing the PDL. She emphasized the importance of funding five KMA field staff and also stated that, against prevalent provider bias, the involvement of a child's biological family secures the child's best bet for success. She urged the committee to take this information into account when making policy decisions. Finally, she requested that the committee back maintenance of support and educational services for foster and adoptive parents.

Ms. Bonnie Adee, Montana Mental Health Ombudsman, stressed the importance of restoring the CHIP mental health benefit. She also expressed the excellence of the KMA community decision-making process and urged more flexible funding options.

Dr. Donald Harr, retired psychiatrist; Montana Psychiatric Association; member, Mental Health Oversight Advisory Council; member, American Federation for Suicide Prevention, stressed the importance of foster care transition services in ensuring full maturation and the most excellent possibility of ending destructive behavioral habits. He also supported the HIFA waiver, the SAMSHA grant, and the PDL, and noted ways in which Montana's psychiatrist shortage affects children. Finally, he mentioned the need to address suicide rates on Native American reservations and the prevalence of co-occurring mental health and substance abuse problems in children and youth.

{Tape: 3; Side: B}

Ms. Deb Mateucci, Director, Montana Mental Health Association (MMHA), stated that MMHA supports the department's budget request in its entirety, especially CHIP expansion, waiver options, field staff requests, and provider rate increases.

Mr. Rye Sorenson, CEO, Yellowstone Boys and Girls Ranch, discussed history of Childrens' Mental Health design and re-design, and his participation in these efforts. He urged support for the department's budget requests.

Mr. Steve Yeakle, Montana Council for Maternal and Child Health (MCMCH), urged, from personal family experience, increased funding for Childrens' Special Health Services. He went on to provide a handout outlining priorities and recommendations from MCMCH. He stated that per the Alliance for a Healthy Montana Survey, CHIP is one of the programs that Montanans would most like to fund using I-149 funds.

EXHIBIT(jhh21a05)

SEN. GREG LIND, SD 50, MISSOULA, asked Mr. Geoff Birnbaum, Executive Director, Missoula Youth Homes, how the department, committee and providers can work on preventive measures.

Mr. Birnbaum stated that the KMAs are the best way to ensure excellent care at all stages, as it encourages local authority and responsibility, as well as involvement on behalf of both children and their parents. He noted challenges posed by disjointed and insufficient room and board funding available for home-based or home-like care, and stated that the real underlying problem is the larger issue of our country's dysfunctional relationship with alcohol and drugs.

EXHIBIT(jhh21a06)

{Tape: 4; Side: A}

REP. MARY CAFERRO, HD 80, HELENA, handed out and discussed a "Proposal for Expenditure of I-149 funds on CHIP."

EXHIBIT(jhh21a07)

Ms. Erin McGowan-Finchan, representative for Montana State Auditor and Montana State Commissioner, offered official support for the HRD budget and submitted for the record the names of groups who speak in concert with the State Auditor and the State Commissioner.

EXHIBIT(jhh21a08)

Ms. Collette Gray, Community Advocate, Opportunities, Inc.

discussed the importance of the CHIP program and requested an increase in the CHIP poverty level. She also submitted letters from several CHIP parents.

[EXHIBIT\(jhh21a09\)](#)

[EXHIBIT\(jhh21a10\)](#)

[EXHIBIT\(jhh21a11\)](#)

[EXHIBIT\(jhh21a12\)](#)

Franklin and Samantha Nelson, parents of a CHIP child, voiced support for the CHIP program.

Dr. Mary Anne Guggenheim, Pediatric Neurologist, described and voiced support for New Proposal (NP) 115 - Childrens' Special Health Services and the programs it provides. She also emphasized the need for increased funding support.

Ms. Mary McCue, Executive Director, Montana Dental Association, provided and discussed issues detailed in a handout on Medicaid Dental Background. She requested that the legislature appropriate \$2.8 million new funds in order to bring Medicaid dental reimbursement rates up to 90% of actual cost.

[EXHIBIT\(jhh21a13\)](#)

Mr. Bob Olson, Montana Hospital Access, asked the committee to support the department's budget requests, support CHIP expansion and utilize I-149 funds for division programs. He also discussed a number of Medicaid policy issues and the importance of adequately funding Medicaid provider reimbursement rates.

{Tape: 4; Side: B}

Ms. Janie McCall, Deaconess Billings Mental Health Programs, supported CHIP expansion and a 1% provider increase.

CHAIR KAUFMANN opened Quality Assurance Division (QAD) public testimony.

Ms. Brenda Wares, mental health provider, Belgrade, discussed ways in which CHIP is much more accessible than Medicaid for children who need mental health care. She read a letter from Ms. Marsha Kirshner, Missoula; a therapist audited by QAD. She characterized QAD's Surveillance Utilization Review (SUR's) audit process as egregious, urged an audit of SUR and urged support for LL 186.

REP. JOEY JAYNE, HD 15, ARLEE, asked QAD to respond to Ms. Wares' comments.

Ms. Mary Dalton, Administrator, QAD, requested the opportunity to defer general comments until tomorrow, when she might return with more specific information regarding the cited case.

Responding to **SEN. LIND, Ms. Dalton** explained QAD's efforts to immediately examine billing discrepancies between providers and QAD.

REP. JAYNE pressed Ms. Dalton for more information on retroactive billing.

Ms. Dalton stated that retroactive billing does occur and that retroactive application of a new rule occurs only when the application does not cause harm to providers.

REP. JAYNE asked if the Full-Time Equivalent (FTE) positions requested for the Medicaid Payment Error Rate Program (PERM) will perform some of the SUR's recovery duties.

Ms. Dalton stated that the FTE positions requested for PERM will not perform SUR's recovery duties, but rather examine pay claims. She also agreed to provide information tomorrow on the last SUR's audit.

The following exhibits were submitted after adjournment:

[EXHIBIT\(jhh21a14\)](#)

[EXHIBIT\(jhh21a15\)](#)

[EXHIBIT\(jhh21a16\)](#)

[EXHIBIT\(jhh21a17\)](#)

[EXHIBIT\(jhh21a18\)](#)

[EXHIBIT\(jhh21a19\)](#)

[EXHIBIT\(jhh21a20\)](#)

[EXHIBIT\(jhh21a21\)](#)

ADJOURNMENT

Adjournment: 11:55 A.M.

REP. CHRISTINE KAUFMANN, Chairman

LAURA GOOD, Secretary

CK/lg

Additional Exhibits:

EXHIBIT ([jhh21aad0.TIF](#))